



JPW/B

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8956

Leo Tat Man LAU, et al.

Allowed: December 11, 2008

Appln. No.: 10/816,540

Group Art Unit: 2163

Confirmation No.: 9987

Examiner: Binh V. HO

Filed: March 31, 2004

For: METHOD FOR INCREASING SYSTEM RESOURCE AVAILABILITY IN DATABASE
MANAGEMENT SYSTEMS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

ATTN: MAIL STOP ~~ISSUE FEE~~

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

After final.

Sir:

REMARKS

Applicant offers the following comments in response to the Examiner's Statement of Reasons for Allowance set forth on page 2 of the Notice of Allowability dated December 11, 2008. Even though the application includes 3 independent formulations of the invention, the Reasons for Allowance paraphrase only claim 5. Accordingly, while the Statement appears to be an accurate statement of reasons for allowing claim 5, the statement is deficient by failing to fully acknowledge that claims 21 and 22 were allowed for independent reasons.

If Patent Term Adjustment Is More Than Zero Days

Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by the Applicant to date. As emphasized in

STATEMENT OF REASONS FOR ALLOWANCE
U.S. Application No.: 10/816,540

Attorney Docket No.: A8956
IBM REF. NO.: CA920030106US1

the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "a response to the examiner's reasons for allowance" is an example of a paper that does "not cause substantial interference and delay in the patent issue process" and is "not considered a 'failure to engage in reasonable efforts' to conclude processing or examination of the application." Therefore, the Applicant remains entitled to the full patent term adjustment set forth on page 3 of the Notice of Allowance dated December 11, 2008.

Respectfully submitted,

/Ebenesar D. Thomas/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/142133

46159

CUSTOMER NUMBER

Date: January 9, 2009

Ebenesar D. Thomas
Registration No. 62,499